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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------|------------------------|
| 10/674,627 | 09/29/2003 | Prajakta S. Joshi | 350078.409 | 4709 |
| 34554 7590 07/30/2007 SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVENUE, SUITE 5400 SEATTLE, WA 98104-7092 | | | EXAMINER VO, TED T | |
| | | | ART UNIT 2191 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/674,627

Applicant(s)

JOSHI, PRAJAKTA S.

Examiner

Ted T. Vo

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2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 34-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>10/18/06, 5/3/07</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed on 05/03/2007.

Claims 34-59 are new

Claims 34-59 are pending in the application.

Specification

2. This specification **remains objected to**: The amendment to the specification filed on 05/03/07 contains the information that is identified as commercial site URLs or a form of hyperlinks. This might become a live web link that is not permitted in the text of the specification. It requires deleting.

Information Disclosure Statement

3. The cited information in Information Disclosure Statement file on 10/18/06 are now considered.

Response to Arguments

4. The arguments given in Remarks, filed on 05/03/07 have been considered, but not been persuasive.

Regarding the objection of the specification: despite of spacing, the texts such `http://...` and `www...` remain browser-executable code. It's uncertain whether a standard browser or a future developed browser won't execute the text URL as amended in the specification.

Regarding the newly added claims 34-59: The White paper shows that the global server load balancing has been well known and it has been available in the public domain in the manner of 102(b).

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The reference shows that it is discussing the features that anticipate the claims. Applicants' arguments to the new added claims are moot in view of a new ground of rejection.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 43-46, 47-50 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Claims recite article of manufacturing comprising a machine-readable medium having instructions. The element recited as "machine-readable medium having instructions" is not disclosed in the specification. Moreover, a generic "machine-readable medium" would include transmission line that is not statutory under 35 UCS 101.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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8. Claims 34-59 are rejected under 35 U.S.C. 102(b) as being anticipated by White Paper from Foundry Networks, "Server Load Balancing in Today's Web-enabled Enterprises" (Hereinafter: White Paper), 4-2002.

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 34: White paper discloses, ***A method of providing load balancing among host servers using a load balance switch and a plurality of site switches that each couple at least one of the host servers to a network, the method comprising:***

configuring, at one of said site switches (a Site such as the box 4 in the figure in p. 6), a private virtual IP address associated with said at least one host server corresponding to said site switch (i.e. a location of private network where a web such as www.....com is retrieved; it is standardized with a sequence of numbers);

obtaining at said site switch mapping information indicative of a mapping between said private virtual IP address and a public virtual IP address (i.e. switching, such as explained in item 4 in p. 6);

and providing said mapping information from said site switch to at least one load

balancing controller to enable said load balancing controller to update an address record to

indicate said public virtual IP address as a virtual IP address configured at said site switch rather than treating said public virtual IP address as a real IP address and to enable said load balancing controller to apply at least one metric of a load balancing algorithm to said public virtual IP

address (The White paper show the functions done by the claim, where "site switch" is a location such as shown in the Figure in p. 5, the figure in p. 6, as "GSLB Switch". This site contains a Controller GSLB Switch, named as CGS, that select the best ID address (mapping information) based on GSLB Metrics™ (p. 7), and thus providing a mapping information, for example a public address IP in HK, as a real IP address).

As per Claim 35: White paper discloses, ***The method of claim 34 wherein providing said mapping information from said site switch to said at least one load balancing controller includes providing said mapping information to a load balancing controller located at said load balance switch, to***

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enable said load balance switch to balance traffic among said site switches using said load balancing algorithm (refer to the function of CGS: See the note on top of the Figure in p. 5).

As per Claim 36: White paper discloses, ***The method of claim 35 wherein providing said mapping information from said site switch to said at least one load balancing controller further includes providing said mapping information to a load balancing controller located at said site switch, to enable said site switch to balance traffic among sites associated with said site switch***

(Refer to the function of CGS; it provides the best IP addresses based on the info from the GSLB Metrics™ (Also see DNS lookup Process), and causes to select a real server (balancing), as seen in the Figure of p. 5).

As per Claim 37: White paper discloses, ***The method of claim 34 wherein public virtual IP addresses received by said load balancing controller that do not have corresponding indication in said address record as being configured as virtual IP addresses at any of said site switches, are treated as real IP addresses by said load balancing controller and are excluded from having applied thereto any metric of said load balancing algorithm that is usable with virtual IP addresses*** (See the paragraph in p. 2, discussing Scalability and Management, and refer to non-registered VIP addresses are added to the server farm, and transparent to the user).

As per Claim 38: White paper discloses, ***The method of claim 34 wherein said at least one metric is an active bindings metric that prefers a virtual IP address, associated with any of said site switches, having a maximum number of active ones of said host servers bound to said preferred virtual IP address, rather than preferring another virtual IP address having a number of bound active ones of said host servers that is less than said maximum number*** (refer to the functionality of GSLB Metrics™, as seen in the discussion in p. 9, particularly in High Availability and Maximum Scalability).

As per Claim 39: White paper discloses, ***A method of providing load balancing among host servers using a load balance switch and a plurality of site switches that each couple at least one of the host servers to a network, the method comprising:***

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receiving, at said load balance switch (See the switch between the RAS and BAR as shown in the Figure in p. 5, or seen in the Figure in p. 6: *load balance switch*), ***mapping information indicative of a mapping between a public virtual IP address and a private virtual IP address configured at one of said site switches, said private virtual IP address being associated with said at least one host server corresponding to said site switch***

(refer to a request for a web site arriving at the CGS, explained in p. 6, DNS Lookup Process);

updating an address record of said load balance switch to indicate said public virtual IP address as a virtual IP address configured at said site switch rather than treating said public virtual IP address as a real IP address (See Scalability and Management, referred: adding server farm. See p. 9, Maximum Scalability, referred: "enable IT managers to create a server farm, represented by a single IP address known as a virtual IP address"); ***and***

applying, at said load balance switch, at least one metric of a load balancing algorithm to said public virtual IP address (See many discussion, in the white paper, for example, in p.6, the GSLB is used in the Internet is to match client request with appropriate servers, and the CGS does it).

As per Claim 40: White paper discloses, ***The method of claim 39 wherein public virtual IP addresses received by said load balance switch that do not have corresponding indication in said address record as being configured as virtual IP addresses at any of said site switches, are treated as real IP addresses by said load balance switch and are excluded from having applied thereto any metric of said load balancing algorithm that is usable with virtual IP addresses.*** See the paragraph in p. 2, discussing Scalability and Management, and refer to non-registered VIP addresses are added to the server farm, and transparent to the user.

As per Claim 41: White paper discloses, ***The method of claim 39 wherein receiving, at said load balance switch, said mapping information includes receiving said public virtual IP address at said load balance switch instead of said private virtual IP address for entry into said address record.***

(Each DNS is associated with a CGS; functionality is depending on either at a local DNS or at an Authoritative DNS)

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As per Claim 42: White paper discloses, *The method of claim 39 wherein said at least one metric is an active bindings metric that prefers a virtual IP address, associated with any of said site switches, having a maximum number of active ones of said host servers bound to said preferred virtual IP address, rather than preferring another virtual IP address having a number of bound active ones of said host servers that is less than said maximum number* (refer to the functionality of GSLB Metrics™, as seen in the discussion in p. 9, particularly in High Availability and Maximum Scalability).

As per Claims 43-46: See the rationale addressed in the rejection of Claim 34-38.

As per Claims 47-50: See the rationale addressed in the rejection of Claim 39-42.

As per Claims 51-55: See the rationale addressed in the rejection of Claim 34-38.

As per Claims 56-59: See the rationale addressed in the rejection of Claim 39-42.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

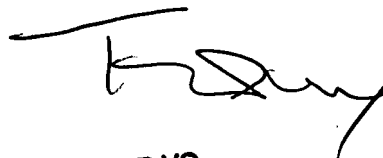
The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTV
July 20, 2007



TED VO
PRIMARY EXAMINER